

**FINAL REPORT
OF THE
INTERIM STUDY COMMITTEE ON
FIRE SAFETY ISSUES**



**Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204**

October, 2005

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A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>.

I. LEGISLATIVE COUNCIL DIRECTIVE

The Legislative Council directed the Committee to study the following topics:

- A. Building, fire, and equipment laws (HCR 71-2005).
- B. Fire safety in school dormitories and senior care facilities (SCR 12-2005).

II. INTRODUCTION AND REASONS FOR STUDY

1. The basis of the Committee charge concerning the need for studying building, fire, and equipment laws and the manner in which these laws are implemented is House Concurrent Resolution 71, authored by Representative Thompson.

2. The basis of the Committee charge concerning the need for study of the issues relating to the upgrading of fire safety for school dormitories and senior care facilities is Senate Concurrent Resolution 12, authored by Senator Landske.

III. SUMMARY OF WORK PROGRAM

The Committee met three times during the 2005 interim. Meetings were held as follows:

1. August 9, 2005, at the State House in Indianapolis, Indiana; presentation and discussion regarding building, fire, and equipment laws and the plan review process by the Indiana Department of Homeland Security's code enforcement and plan review branch; presentation and discussion concerning fire safety in dormitories and senior care facilities.

2. September 21, 2005, at the State House in Indianapolis, Indiana; further discussion regarding fire safety in dormitories and senior care facilities.

3. October 20, 2005, further discussion concerning fire safety in senior care facilities and university dormitories; vote on approval of Final Report; vote on approval of Preliminary Draft 3027 (2006).

IV. SUMMARY OF TESTIMONY

The Committee heard testimony from employees of the state's Department of Homeland Security, Indiana University, Ball State University, representatives of various professional associations, various trade associations, and private citizens. A summary of the testimony during the three meetings is presented below. Minutes of the meetings can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

Building, Fire, and Equipment Laws

The Committee heard testimony concerning the issue of building, fire, and equipment laws and the manner in which these laws are implemented. Don Bradley of the Indiana Department of Homeland Security spoke regarding the process of plan review by the Department's Code Enforcement and Plan Review Branch, and changes that are being made to improve and speed the process. Mark Riffey of the Indiana Fire Sprinkler Association stated his Association's position that the fire safety industry should be represented on the State Building Commission. Bert Dirschell of Tower Associates related his experiences with plan review.

Fire Safety for School Dormitories and Senior Care Facilities

The Committee heard testimony concerning the issue of upgrading fire safety for school dormitories and senior care facilities. Mary Ann Maroon of the Indiana Health Care Association spoke concerning the percentage of nursing homes that are fully sprinklered, partially sprinklered, and those that have no sprinklers. She testified as to her association's belief that it is in the best interests of nursing home residents to have fully-sprinklered facilities. Ms. Maroon stated that beginning in May, 2006, Medicaid/Medicare certified long term care facilities must have, at a minimum, battery operated smoke detectors in sleeping rooms and public areas. Ms. Maroon said that IHCA could support a five year deadline for the retrofitting of sprinklers in nursing homes.

Susan Albers of the Indiana Assisted Living Association testified that the care and concern for residents was her organization's highest priority, but that there were financial challenges for her members in addressing the safety issues.

Tim Norton, a volunteer firefighter and Indiana representative of the International Masonry Institute, believes that by putting fire-resistant masonry into dormitories and nursing homes, the number of fire casualties could be reduced. Mike Broderick, also of the International Masonry Institute, supported Model Code language with respect to new construction.

Robyn Grant of United Senior Action expressed concerns about the lack of smoke detectors and sprinklers in nursing homes and the deaths that can result from fires. She felt that nursing homes should be required to disclose whether they have smoke detectors or sprinklers to prospective residents. Michelle Niemier of United Senior Action stated that there were four items of consideration that her organization felt were important. Disclosure of sprinklered status is important for future residents of a facility, sprinklers are necessary even if the facility has smoke detectors, hard wired smoke detectors that hook into the entire facility's fire alarm system are important, and an opportunity to utilize creative financing might help some institutions secure sprinklers more quickly.

Tim Paino of Legacy Property Management understood safety concerns, but was concerned that all parties be included in the designing of safety standards for communal living.

Mark Riffey of the Indiana Fire Sprinkler Association told the Committee about proposed federal legislation concerning fire safety in college dormitories. He voiced concern about the cost of retrofitting institutions for sprinklers.

Mara Snyder of the Indiana Department of Homeland Security informed the Committee of various fire code sections related to assisted living facilities, and told the members that child care facilities are viewed differently than residential care facilities under the building and fire codes.

Jim Leich, representing the Indiana Association of Homes and Services for the Aging, spoke regarding the financial impact for his association's members if sprinklers were required in a short period of time. Mr. Leich also would like to limit any mandatory sprinklering to nursing homes, as "assisted living" is a term with varying meanings in Indiana.

J.T. Forbes, Executive Director of State Relations for Indiana University, stated that of the 43 fraternities and sororities on the Bloomington campus, about 20% have sprinklers. Kathy Smith Andrews, Associate Director for State Relations for Indiana University told the Committee of fire safety in the Indiana University dormitories.

Tom Morrison, director of state fiscal relations for Ball State University, told the Committee that Ball State University is putting in sprinklers as a part of scheduled dormitory renovations.

T. J. Burns of the Indianapolis Fire Department and representing the Fire Inspectors Association of Indiana, would like to see a timeframe for any required retrofitting of sprinklers in nursing homes be no more than seven years.

Jeff Hugo of the National Fire Sprinkler Association gave an overview of fire sprinkler laws in the nation.

Jim Lindeman of the Sprinkler Fitters Local #669 stated that his union has sufficient manpower to carry out any legislatively mandated retrofitting of nursing home facilities.

Jerry Loper of the Indiana Masonic Home told the Committee about the fire alarm and fire control systems at his facility.

V. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee made the following findings of fact: None.

The Committee made the following recommendations:

1. That the State Department of Health be required to display information about the installation of sprinkler systems in its Consumer Report concerning long term care facilities.
2. That a preliminary draft be prepared for the Committee requiring sprinkler systems in all health care facilities as defined in IC 16-18-2-161 before July 1, 2016, and if not in place by July 1, 2013, that a plan as to installation be submitted by that date to the Indiana Health Facilities Council (as established by IC 16-28-1.1).

WITNESS LIST

Don Bradley, Indiana Department of Homeland Security
Mark Riffey, Indiana Fire Sprinkler Association
Bert Dirschell, Tower Associates
Mary Ann Maroon, Indiana Health Care Association
Susan Albers, Indiana Assisted Living Association
Mike Broderick, International Masonry Institute
Tim Norton, volunteer firefighter and International Masonry Institute
Robyn Grant, United Senior Action
Tim Paino, Legacy Property Management
Mara Snyder, Indiana Department of Homeland Security
Jim Leich, Indiana Association of Homes and Services for the Aging
J.T. Forbes, Indiana University
Tom Morrison, Ball State University
T. J. Burns, Indianapolis Fire Department, Fire Inspectors Association of Indiana
Jeff Hugo, National Fire Sprinkler Association
Jim Lindeman, Sprinkler Fitters Local #669
Michelle Niemier, United Senior Action
Kathy Smith Andrews, Indiana University
Jerry Loper, Indiana Masonic Home